REMARKS

Applicant respectfully requests reconsideration of the present application in view of the reasons that follow.

Status of Claims:

No claims are currently being added, canceled or added.

A detailed listing of all claims that are, or were, in the application, irrespective of whether the claims remain under examination in the application, is presented, with an appropriate defined status identifier.

Claims 1, 3-8, 10-18, 20-27 and 29-38 remain pending in this application.

Claim Rejections – 35 U.S.C. Section 112, 1st Paragraph and 35 U.S.C. Section 101::

In the Office Action, claims 8, 10-17, 21, 27, 29-36 and 39-41 were rejected under 35 U.S.C. Section 112, 1st paragraph, as failing to comply with the enablement requirement, and claims 8, 10-17, 21, 27, 29-36 and 39-41 were rejected under 35 U.S.C. Section 101 as failing to set forth a concrete, tangible result. Applicant respectfully disagrees.

In particular, with respect to the 112, 1st paragraph rejection, the Office Action asserts that "applicant fails to disclose of one of ordinary skill in the art would determine what the factor is for a specified day. Applicant discloses a factor table, however fails to teach how one knows what factor a day is given. What is the basis for determining a dates factor, is it a calculation? If it is historical data how does not one know how to use this historical data, what importance does different historical data have in reference to other data for a particular day? Applicant fails to disclose elements which are instrumental to determining the factor for each given date, therefore, one of ordinary skill in the art at the time of invention would not be able to make and/or use without undue experimentation."

Also, with respect to the 101 rejection, the Office Action asserts that "these [tolerance] calculations fail to create a concrete tangible result that is repeatable due to the fact that the factors used in the calculations are subjective. The factors appear to be a random number generated by a user of the system. The factors are randomly assigned based on prediction using historical data. However, these factors may not be determined to be the

same depending on who is setting the factors. There are no specific steps set forth identifying criteria that is to be used and/or followed when making a factor determination."

In reply, the factors are not random numbers, but rather are numbers created based on specific criteria described in the specification. For example, page 24, lines 25-30 of the specification states that:

> "the factor information is a factor value to be added to the value of the tolerance information in order to obtain an actual tolerance depending on the date (year:month:day) of moving. For instance, when on the special day, a large delay is expected because the festival is held nearby, a factor value to be multiplied to a usually expected tolerance becomes larger than a usual factor value."

Also, as explained on page 24, lines 22-25 of the specification, it explains that "the tolerance information is the information representing a time difference (time tolerance) against an arrival time as a reference when people move by a transport means such as a train or a bus."

Furthermore, as explained on page 30, lines 1-5 of the specification,

> "Fig. 10 shows a part of the factor table 176 shown in Fig. 5. The factor table 176 stores the factors representing the variation ranges of the predicted tolerances which can be caused on the respective dates by using the "dates" of the travels as keys. The factor value is set to be multiplied to the tolerance value, as described above."

Also, as explained on page 32, lines 25-30 of the specification,

> "The maintenance of the factor table 176 shown in Fig. 5 includes a renewal or a reconsideration of the factor values, and a new preparation of the factor table 176. For example, when an event is held with a traffic control, the factor may change on the particular date or hours. Such a change is reflected to the factor table 176 in the maintenance work."

Still further, page 32, lines 18-24 of the specification explains that

> "Regarding the tolerance table 175 shown in Fig. 5, the maintenance includes a renewal or a reconsideration of the tolerance values, and a new

> preparation of the tolerance table 175. For instance, when a new expressway is constructed and no tolerance arises in the moving time to the destination using a bus, the change of the tolerance value is reflected in the tolerance table 175. When a railway schedule is revised, the tolerance table 175 is treated in the same way."

Thus, as abundantly clear from the above passages in the specification, the factors in the factor table reflect events that are known beforehand to take place on a specific date and time (e.g., the date and time of the next Redskins game to be held at FEDEX field). The events that will influence traffic are determined, and the corresponding factors are then determined.

It is clear that one of ordinary skill in the art would understand from the specification that factors in the factor table are computed based on events, whereby the greater the event, the greater the factor associated with the date and time that the event will occur. It is not necessary to describe in precise terms a particular way to compute a factor in order for one of ordinary skill in the art to make and use the invention, since there can be more than one way to make such a computation. However, it is clear that no undue experimentation is needed to make and use this invention, since sufficient detail is provided to one of ordinary skill in the art regarding the creation and use of factors and the creation and use of tolerances, and how the factors affect the tolerances.

To state that the factors are subjective and thus non-statutory is just plain wrong, since once a computation criteria is provided for computing factors (e.g., Redskins game – triple the default factor; Wizards game, double the default factor), based on historical data (e.g., previous Redskins games caused 2 hours of delay for traversing the D.C. Beltway, previous Wizards game caused a 1 hour delay for traversing the D.C. Beltway), it is a simple manner for one skilled in the art to compute the factors to be stored in the factors table. Also, it may be the case that one user assigns a different factor for a particular event than another user may assign to that same event; but again this is based on each user's knowledge of that event, and does not make such a feature non-statutory.

Is the Examiner asserting that any claim that requires a user input is non-statutory because the user input is subjective? Clearly, such a claim feature is statutory. In the same manner, while it may be the case that one user may provide a different factor value for a

particular event than another user, it is important to note that the specification provides enough detail for one skilled in the art to recognize that the factor value is based on the size of an event which thereby effects travel due to that event occurring, and the particular way in which the factor value is computed is not necessary for one to obtain a concrete, tangible result using the claimed invention.

Please note that the present invention provides a "guide" for a traveler with built-in tolerances that are used, and as such is a useful tool for the traveler. Does the traveler need to know that he/she will arrive at Point B at 12:45:13? Of course not, but the traveler may need to know if he/she has sufficient time to eat lunch at Point B before the traveler has to take a train from Point B to get to Point C. The present invention provides the traveler with a mechanism for making such a determination in advance of his/her trip.

Also, please note that the accuracy of a "factor" is enhanced through the repetitive receipt of information and the feedback on that information. The term "maintenance" on page 32, line 25 of the specification means that the repetitive feedback (e.g., experience) is used to adjust a factor. For the adjustment, information like the day of the week (weekday or weekend), the date (an event is held on that day or not), or the time (rush hour or not) are used. As the accuracy of a factor is improved by adjustments to the factor during "maintenance", more value is provided to an information provider.

In the 'Response to Arguments' section of the Office Action, it asserts that "the specific date may not be on that same date in the future", since just because a Wizards game was played on March 1, 2006 does not mean that it would also played on March 1, 2007. In reply, the Wizards schedule for 2007 would be made well in advance of March 1, 2007 (as "maintenance" data), whereby that information would be available (probably as early as a few weeks after the 2006 season has ended) to determine which future dates correspond to Wizards' home games, and thus those future dates corresponding to Wizards' home games would result in a factor value change for locations in the vicinity of the Wizards' home arena. Just like the explanation in the specification as to a revision of a railroad schedule, a new Wizards or Redskins schedule for the upcoming season would be input as maintenance data.

As to the comments made in the 'Response to Arguments' section in that "the factors effects on the tolerance are what is in questions", both the use of factor values and the use of tolerance values are described in sufficient detail in the specification, as exemplified by the

portions of the specification delineated above. The specification clearly states that "the factor information is a factor value to be added to the value of the tolerance information in order to obtain an actual tolerance depending on the date (year:month:day) of moving", and thus there is nothing unclear about that calculation and how it is used to obtain an actual tolerance for a particular date and time.

The Office Action appears to think that the present invention does not receive any updated information about current events (see page 6 of the Office Action), but that is not the case, since the "maintenance" data provides such updated information (e.g., upcoming traffic projects, upcoming events, etc.) to the travel information distribution system and method of the present invention.

Accordingly, presently pending claims 8, 10-17, 21, 27, 29-36 and 39-41 fully comply with 35 U.S.C. Section 112, 1st paragraph, and 35 U.S.C. Section 101.

Conclusion:

Since all of the issues raised in the Office Action have been addressed in this Reply, Applicant believes that the present application is now in condition for allowance, and an early indication of allowance is respectfully requested.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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